

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Daniel Gavin	Team: Squad #1	CCRB Case #: 201810486	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 12/11/2018 5:20 PM	Location of Incident: § 87(2)(b)	Precinct: 70	18 Mo. SOL 6/11/2020	EO SOL 1/26/2021	
Date/Time CV Reported Tue, 12/11/2018 6:15 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 12/18/2018 11:08 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Fadi Albishara	17767	961607	070 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Riggs Kwong	07320	933905	070 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Fadi Albishara	Abuse: Police Officer Fadi Albishara threatened to arrest § 87(2)(b)	§ 87(2)(b)

Case Summary

On December 11, 2018, § 87(2)(b) filed this complaint with the Internal Affairs Bureau. It was referred to the CCRB, where it was received on December 18, 2018.

On December 11, 2018, at approximately 5:20 p.m., § 87(2)(b) was at her building management company, at § 87(2)(b) in Brooklyn. § 87(2)(b) called 911 to make a complaint regarding her building management company. PO Fadi Albishara and PO Riggs Kwong, of the 70th Precinct, responded to the location. PO Albishara and PO Kwong told § 87(2)(b) that they could not take her complaint multiple times before leaving the building. PO Albishara allegedly told § 87(2)(b) “I would love to come back and arrest you,” using the loudspeaker for his police vehicle (**Allegation A: Abuse of Authority:** § 87(2)(g)). The officers left and § 87(2)(b) was not arrested.

§ 87(2)(b) filed her complaint under the name § 87(2)(b). At her interview, she provided identification for § 87(2)(b) and requested to use the surname § 87(2)(b).

This case was sent to the Mediation Unit on December 28, 2018. It was returned to the Investigations Division on March 5, 2019.

There is no video available for this case.

Findings and Recommendations

Allegation A: Abuse of Authority: Police Officer Fadi Albishara threatened to arrest § 87(2)(b)

§ 87(2)(b) testified that she went to her building management company to pay her rent and get a record of her rent paid in 2018 to take with her to housing court. § 87(2)(b)'s building manager told her that she had to come back to pay her rent on a different day. § 87(2)(b) called the police to make a report that her building manager was harassing her. PO Albishara and PO Kwong responded and told § 87(2)(b) that this was not harassment and that they could not take a complaint. § 87(2)(b) told PO Albishara that he was too young to understand rent stabilization and started talking to PO Kwong. PO Albishara became angry because of this comment and told PO Kwong that they were leaving. The officers exited the building and § 87(2)(b) left the building a few minutes after. Outside of the building, § 87(2)(b) saw the two officers sitting in their police vehicle, and heard PO Albishara say, “I would love to come back and arrest you,” over the vehicle loudspeaker (Board Review 01).

PO Albishara testified that he told § 87(2)(b) that her complaint did not constitute harassment, and that she needed to go to housing court. § 87(2)(b) told PO Albishara that he was too young to understand, told him to shut up, and called him an idiot. PO Albishara did not respond to any of these comments. PO Albishara subsequently left the building and used the loudspeaker from his vehicle to call out to an unrelated vehicle that was obstructing traffic on

Coney Island Avenue. PO Albishara did not recall saying, “I would love to come back and arrest you,” to this motorist or to § 87(2)(b) over the PA system. § 87(2)(b) was not doing anything that she could have been arrested or given a summons for (Board Review 02).

PO Kwong provided testimony consistent with PO Albishara, including that PO Albishara did not tell § 87(2)(b) that he wanted to arrest her. However, in contrast, he said that neither officer used the loudspeaker in their police vehicle (Board Review 03).

The officers and § 87(2)(b) disagree on whether PO Albishara said that he would arrest § 87(2)(b) and no other evidence corroborated her claim. Similarly, there is no evidence that § 87(2)(b) was doing anything that she could have been arrested for.

Patrol Guide Procedure 208-01 states that an officer may make an arrest when the officer has reasonable cause to believe that an offense was committed in his presence (Board Review 04).

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]

Civilian and Officer CCRB Histories

- § 87(2)(b)
[REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
- Police Officer Fadi Albishara has been a member-of-service for two years and has been a subject in one CCRB complaint and two allegations, neither of which were substantiated. [REDACTED]
§ 87(2)(g)
[REDACTED]

Mediation, Civil and Criminal Histories

- On December 28, 2018, this case was sent to mediation and on March 5, 2019, the case was returned to investigation as the complaint was no longer suitable for mediation.
- A Freedom-of-Information Law request was submitted to the New York City Office of the Comptroller on March 20, 2019. This file will be updated upon receipt of this request (Board Review 07).
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (Board Review 08).

Squad No.: _____

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date